Patent Application Attorney Docket No.: 64118.000044 Application Serial No.: 08/944,234

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Vincent Bryan et al. : Group Art Unit: 1173

:

Appln. No.: 08/944,234 :

Examiner: Lien M. Ngo

Filed: Ocotber 6, 1997

For: DRILL HEAD FOR USE IN PLACING :

AN INTERVERTEBRAL DISC DEVICE :

Mail Stop Apeal - Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 20, 2006 of the Primary Examiner rejecting claims 1-3, 5-7, 13-28, 30-33, 34, 35, 37-50, 52-57, 59-61, 67-71, 73-76, 78-85, 87-91, 92, 94-97, 100-102, 104-107, 108, 109, 111, 114-125, 128 and 130-138 (including related objections and other assertions) in the above-referenced patent application.

A Petition for a Three Month Extension of Time which extends the period of response from July 20, 2006 to January 22,

Patent Application Attorney Docket No.: 64118.000044 Application Serial No.: 08/944,234

2007, (January 20, 2007 was a Saturday) is being filed concurrently herewith, along with the requisite extension fee.

The Examiner indicated that the notice of appeal fee and appeal brief fee previously paid in this application can be applied to this new appeal and Applicants respectfully request that those fees be applied to this filing. Therefore, Applicants do not believe that there is a fee due in connection with this notice of appeal. However, in the event that there is a variance in fees due in connection with this filing please charge Deposit Account No. 50-0206 and credit any excess fees to such deposit account.

Respectfully submitted,

Hunton & Williams LLP

By:

Ozzie A. Farres

Registration No. 43,606

OAF/dja

Hunton & Williams LLP
1900 K Street, N.W.

Washington, D.C. 20006-1109 Telephone: (202) 955-1500 Facsimile: (202) 778-2201

Date: January 22, 2007